

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-2752

ESTATE OF ALBERT P. SCHULTZ,
BONNIE SCHULTZ, Representative,

Appellant

v.

JOHN E. POTTER,
Postmaster General,
United States Postal Service

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil No. 05-cv-01169)
District Judge: The Honorable Donetta W. Ambrose

ARGUED MAY 22, 2008

Before: SMITH, HARDIMAN, and NYGAARD, Circuit Judges.

(Filed: July 22, 2008)

Alexander Schultz, Esq. (Argued)
P. O. Box 32644

Palm Beach Gardens, FL 33420
Counsel for Appellant

David C. Belt, Esq. (Argued)
United States Postal Service
Office of Labor Law
475 L'Enfant Plaza, SW
Washington, DC 20260-1133

Robert L. Eberhardt, Esq.
Office of the United States Attorney
700 Grant Street, Suite 4000
Pittsburgh, PA 15219

David G. Karro, Esq.
United States Postal Service
Room 6416
475 L'Enfant Plaza, SW
Washington, DC 20260
Counsel for Appellee

OPINION OF THE COURT

NYGAARD, Circuit Judge.

This appeal concerns the District Court's disposition of an enforcement action that arose originally from a decision of the U.S. Merit Systems Protection Board. For the reasons explained below, we do not reach the merits of the appeal because we lack jurisdiction.

The District Court's May 3, 2007 order, from which Schultz appeals, states the following language.

AND NOW, this 2nd day of May, 2007, having held a final conference and there being no outstanding issues remaining in this case, it is ordered that the above captioned case be marked closed.

We conclude that this order is an administrative closeout order. Such orders lack finality and we do not have jurisdiction to review them. *Penn West Associates, Inc. v. Cohen*, 371 F.3d 118 (3d Cir. 2004).

We note from the briefs and from oral argument that appellant expresses its particular concern that the District Court did not establish a sum-certain value for health care benefits that it is due. Our lack of jurisdiction precludes us from reaching this issue, and we regard the determination of the precise value of such benefits to be squarely within the ambit and authority of the District Court.

For these reasons, we will dismiss this appeal and remand for further disposition by the District Court.